

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States of America

v.

- 1- Shelby Lynn GONZALEZ (YOB: 1992, COB: U.S.),
 2- Romeo MUNOZ (YOB: 1998, COB: U.S.), and
 3- Carlos Daniel RODRIGUEZ (YOB: 1999, COB: U.S.)

Defendant(s)Case No. M-18-*mj*-2420

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 26, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

8 U.S.C. § 1324(a)(1)(A)(ii)

Knowing or in reckless disregard of the fact that Gladis ORTEGA-Melgar (COB: Honduras) and four (4) others, for a total of five (5), who were aliens, had come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; to wit: transportation by vehicle near Mission, Texas.

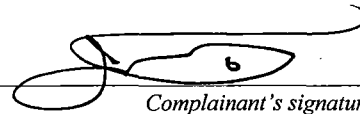
8 U.S.C. § 1324(a)(1)(A)(v)(I)

8 U.S.C. § 1324(a)(1)(A)(v)(II)

This criminal complaint is based on these facts:

SEE "ATTACHMENT A"

✓ Continued on the attached sheet.

Approved by Robert Guerra
AUSA

Complainant's signature

Javier Fabela, HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/27/2018 *-B:34c.A.*

Judge's signature

City and state: McAllen, Texas

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

I, Javier Fabela, am a Task Force Officer (TFO) assigned to the United States Homeland Security Investigations (HSI), and have knowledge of the following facts:

1. On November 26, 2018, Border Patrol Agents (BPA) near Sullivan City observed a Chevy Impala believed to be transporting aliens driven by Shelby Lynn GONZALEZ. Texas Department of Public Safety (DPS) conducted a traffic stop on the vehicle for an expired license plate. GONZALEZ was found to be driving the vehicle with five passengers. BPAs conducted an immigration inspection on the passengers and identified all five as undocumented aliens (UDAs). GONZALEZ and the five (5) UDAs were transported to the McAllen U.S. Border Patrol Station for processing.
2. During the smuggling event, BPAs identified a silver Ford Focus which they believed to be a scout vehicle associated with GONZALEZ, driven by Romeo MUNOZ. BPAs recognized MUNOZ from prior suspected scouting activities near Sullivan City, Texas. Agent conducted a traffic stop on MUNOZ's vehicle and identified MUNOZ as the driver and Carlos Daniel RODRIGUEZ as the passenger. Both MUNOZ and RODRIGUEZ were taken into custody.
3. At the McAllen U.S. Border Patrol Station, MUNOZ was read his Miranda Rights in his preferred language of Spanish. MUNOZ invoked his rights.
4. At the McAllen U.S. Border Patrol Station, GONZALEZ was read her Miranda Rights in her preferred language of English. GONZALEZ waived her rights in writing and consented to speak with agents without an attorney present. Post Miranda, GONZALEZ provided the following non-verbatim statement:

GONZALEZ said that a individual, later identified as, RODRIGUEZ hired her to transport the UDAs on November 26, 2018. GONZALEZ stated that RODRIGUEZ offered her \$1,500.00 USD to transport five subjects from Los Ebanos, Texas. GONZALEZ stated that she loaded the UDAs in her vehicle near Heriberto Garza Street in Los Ebanos, Texas. GONZALEZ stated that a silver Ford Focus was also involved in her smuggling attempt as a scout vehicle. GONZALEZ stated that RODRIGUEZ and an unidentified male were in the Focus. GONZALEZ stated that the Focus was following her and coordinating her movements with the UDAs.

5. GONZALEZ positively identified RODRIGUEZ in a photo lineup.
6. At the McAllen Border Patrol Station, RODRIGUEZ was read his Miranda Rights in his preferred language of English. RODRIGUEZ waived his rights in writing and consented to speak with agents without an attorney present. Post Miranda, RODRIGUEZ provided the following non-verbatim statement:

RODRIGUEZ stated that he's known MUNOZ for approximately two months. RODRIGUEZ said that MUNOZ pays him approximately \$200.00 USD to recruit

people to transport UDAs. RODRIGUEZ told agents that GONZALEZ picked him up from his home and met MUNOZ around 9:00 a.m. RODRIGUEZ stated that at approximately 1:00 p.m. MUNOZ picked RODRIGUEZ up near the Stripes Convenience Store in Sullivan City, Texas. RODRIGUEZ stated GONZALEZ went southbound on El Faro Road, in Sullivan City, Texas. RODRIGUEZ stated that MUNOZ instructed him to call GONZALEZ and keep her calm. RODRIGUEZ stated that MUNOZ told him to tell GONZALEZ not to speed and that the area was clear of law enforcement.

RODRIGUEZ stated that he was instructed by MUNOZ to tell GONZALEZ the UDAs were near a red gate close to the ferry. RODRIGUEZ stated that after GONZALEZ picked up the UDAs, RODRIGUEZ then instructed GONZALEZ to take a dirt road out of the area so they could circumvent law enforcement presence on Expressway 83.

RODRIGUEZ stated that eventually, MUNOZ and GONZALEZ met up near Minnesota and Iowa Roads in Mission, Texas. Once there, they travelled in tandem eastbound toward Moorefield Road. On Moorfield Road the vehicles turned southbound until they saw a Sheriff's unit and MUNOZ instructed RODRIGUEZ to tell GONZALEZ to keep driving. Shortly thereafter a U.S. Border Patrol Unit stopped the Ford Focus Munoz was driving. At that point MUNOZ instructed RODRIGUEZ to delete the contents of his phone and stated that he saw MUNOZ do the same.

7. RODRIGUEZ was shown two photo line-ups. In the first line-up RODRIGUEZ identified MUNOZ as the individual coordinating and instructing him during this smuggling event. In the second line-up, RODRIGUEZ identified GONZALEZ as the driver of the Impala that was being used to transport the illegal aliens.
8. At the McAllen Border Patrol Station, Gladis ORTEGA-Melgar (material witness) was read her Miranda Rights in her preferred language of Spanish. ORTEGA-Melgar waived her rights in writing and consented to speak with agents without an attorney present.
9. Post Miranda, ORTEGA-Melgar gave the following non-verbatim statement:

ORTEGA-Melgar stated she is citizen and national of Honduras. ORTEGA-Melgar stated that she illegally entered the U.S. on or about November 26, 2018 from Diaz Ordaz, Tamaulipas, Mexico. ORTEGA-Melgar claimed that after being smuggled into the U.S. she was picked up by a female driver in a four-door sedan. ORTEGA-Melgar claimed the female driver traveled on the highway and was stopped by police officers. ORTEGA-Melgar stated her and four other subjects were arrested and transported to the McAllen Border Patrol Station.

10. ORTEGA-Melgar was shown a Homeland Security Investigations photo lineup and positively identified GONZALEZ as the driver of the load vehicle.